

April 27, 2004

HAND DELIVER

Mary L. Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station  
Boston, Massachusetts 02110

Re: The Berkshire Gas Company, D.T.E. 01-41

Dear Secretary Cottrell:

Enclosed please find the Second Motion for Extension of Confidential Treatment of The Berkshire Gas Company ("Berkshire" or the "Company"). The Motion is filed consistent with the ruling of the Department of Telecommunications and Energy (the "Department") in response to a motion for confidential treatment of the Company dated April 9, 2001 and submitted with the Company's original filing in docket D.T.E. 01-41. The Department ultimately granted protected treatment to confidential or proprietary materials from such proceeding for a period of one year from the date of the Order in such proceeding, viz. through June 29, 2002. See The Berkshire Gas Company, D.T.E. 01-41, p. 18 (2001). The Department's Order expressly provided for the prospect that the Company might renew its request for confidential treatment. Id. In a Motion for Extension of Confidential Treatment of The Berkshire Gas Company dated June 3, 2002, Berkshire requested the extension of such confidential treatment for the term of set of similar forms of Gas Portfolio Optimization Agreement and Gas Sales and Purchase Agreement between the Company and BP Energy Company ("BP Company") that were reviewed in The Berkshire Gas Company, D.T.E., 02-19 (2002).

As described in the Company's letter dated April 27, 2004, the Company has requested approval of third generation forms of Gas Portfolio Optimization Agreement and Gas Sales and Purchase Agreement that are substantially similar to the agreements approved in docket D.T.E. 01-41 and docket D.T.E. 02-19. Materials granted confidential treatment in D.T.E. 01-41 and D.T.E. 02-19 therefore remain competitively sensitive with respect to the Company's operations pursuant to the new agreements. Accordingly, for all the reasons contained in the enclosed motion, the

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Company respectfully requests that the Department extend the protected treatment granted in its final order in document D.T.E. 01-41.

Please contact me if you require further assistance with respect to this matter.

Thank you for your consideration.

Very truly yours,

BROWN RUDNICK BERLACK ISRAELS LLP

By: \_\_\_\_\_  
James M. Avery

JMA/cdw  
Enclosure

cc: George Yiankos, Director, Gas Division (w/enc via hand delivery)  
Andrew O. Kaplan, Esq., General Counsel (w/enc via hand delivery)  
Alexander J. Cochis, Esq., Assistant Attorney General (w/enc via hand delivery)  
Robert Sydney, Esq., General Counsel DOER (w/enc via hand delivery)  
Karen L. Zink, Vice President and General Manager (w/enc)  
William J. Cronin, Esq. (w/enc)

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